

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

JON C. SABIN

Plaintiff,

-v.-

Civil Action No.
7:12-cv-1370 (GLS/DEP)

ROBERT CAMP, Individually and as
Justice of the Town of Pierrepont

Defendant.

APPEARANCES:

OF COUNSEL:

FOR THE PLAINTIFF:

JON C. SABIN
P.O. Box 530
South Colton, New York 13687

GARY L. SHARPE,
CHIEF JUDGE

ORDER

The above-captioned matter comes to this court following a Report-Recommendation by Magistrate Judge David E. Peebles, duly filed February 5, 2013. Following ten days from the service thereof, the Clerk has sent the file, including any and all objections filed by the parties herein.

No objections having been filed, and the court having reviewed the Magistrate Judge's Report-Recommendation for clear error, it is hereby

ORDERED, that the Report-Recommendation of Magistrate Judge David E. Peebles filed February 5, 2013 is ACCEPTED in its entirety for the reasons state therein, and it is further

ORDERED, that plaintiff's complaint is DISMISSED, without leave to replead his claims against defendant Camp in his individual capacity, but otherwise with leave to replead, pursuant to 28 U.S.C. § 1915(e)(B)(iii), and it is further

ORDERED, that if Sabin wishes to proceed with this action, he must file an amended complaint as directed above within thirty (30) days from the date of the filing of this Order; and it is further

ORDERED, that upon Sabin's full compliance with this Order, the Clerk of the Court shall return the file to this court for further review; and it is further

ORDERED, that if Sabin fails to file an amended complaint within thirty (30) days form the filing date of this Order, the Clerk shall enter judgment dismissing this action without prejudice and without further Order of the Court; and it is further

ORDERED, that the Clerk of the Court is to mail copies of the Order to the parties in accordance with the court's local rules.

IT IS SO ORDERED.

Dated: March 1, 2013
Albany, New York



Gary L. Sharpe
Chief Judge
U.S. District Court